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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,731	09/26/2003	Gordon Maurice Armstrong	5200-4407-3A	6633
23477	7590	10/03/2005	EXAMINER	
MARKS & CLERK 1075 NORTH SERVICE ROAD WEST SUITE 203 OAKVILLE, ON L6M 2G2 CANADA			ROSE, ROBERT A	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,731

Applicant(s)

ARMSTRONG, GORDON
MAURICE

Examiner

Robert Rose

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zwirek . Zwirek discloses a combined abrasive drum and guide roller which acts as a follower to contact a template to guide the abrasive drum across the work. It is the examiner's view that it would have been obvious to those of ordinary skill in the art to secure the abrasive band in Zwirek to the underlying drum by any known suitable means, which would include a conventional adhesive, such as contact cement. No new or unexpected results are achieved by securing the abrasive to the rigid drum in this manner. To utilize a solvent free adhesive such as contact cement to removably secure the abrasive sheet to the cylinder, to allow for easy replacement of the abrasive when worn would have been at most an obvious matter of design choice. The degree of runout of the metal support member would depend upon the required tolerances of the final product, and would have amounted to no more than an obvious matter of design choice to those of ordinary skill in the art.

3. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zwirek in view of Emerson. Emerson discloses an abrasive wheel having a pair of guide roller template followers on opposite sides of the abrasive wheel which contact respective template surfaces to guide the abrasive wheel on both sides for better

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accuracy in grinding. To provide guide rollers on opposite sides of the spindle in the apparatus of Zwirek, engageable with a pair of templates to provide a more accurate reproduction of the template shape on the workpiece would have been obvious in view of Emerson.

4. Applicant's arguments filed August 3, 2005 have been fully considered but they are not persuasive. Applicant's new limitations in claim 1 of the tool having an "attachment means", and "adapted for affixation to a rotational drive having a vertically-oriented axis of rotation" are deemed to be obvious over the primary reference to Zwirek. Note that Zwirek discloses attachment means(74) for attachment to rotational drive(71). The device is deemed to be positionable at any arbitrary angle, including one in which the rotational drive has a vertically oriented axis of rotation.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

September 26, 2005.

A handwritten signature in black ink, appearing to read "Robert A. Rose", is positioned above the printed name.

ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323